



JON S. CORZINE
Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
State Board of Chiropractic Examiners
124 Halsey Street, 6th Floor, Newark, NJ 07102



ANNE MILGRAM
Attorney General

By Certified and Regular Mail

FILED

November 4, 2009

NOV 12 2009

**NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS**

DAVID M. SZUCHMAN
Director

Mailing Address:
P.O. Box 45004
Newark, NJ 07101
(973) 504-6395

David G. Harris, D.C.
C/o Jeffrey Randolph, Esq.
901 Route 23 South
Pompton Plains, NJ 07444

Re: AMENDED Offer of Settlement In Lieu of
Filing a Formal Disciplinary Complaint

Dear Dr. Harris:

This letter is to advise you that the New Jersey State Board of Chiropractic Examiners (the "Board") has had an opportunity to review information concerning your compliance during the period of your active suspension from the practice chiropractic in New Jersey; to wit: August 6, 2004 to June 21, 2006, with the *Directives Applicable to Any Chiropractic Board Licensee Who is Suspended, Revoked, or Whose Surrender of Licensure Has Been Accepted*, which standard directives were incorporated by reference at paragraph 7 into the Consent Order entered into by you with the Board and dated August 6, 2004.

It appears from that review that you failed to adhere to the requirements of Directive 2, in that you occupied, shared or made use of office space in which another licensee was providing health care services during the period. It further appears from that review that you failed to comply with the provisions of Directive 3, in that you failed to divest yourself of all financial interest in Broadway Pain Management Center, PC within 90 days of your suspension and disqualification to own shares in the practice, and that you failed within that time to forward to the Board a copy of the documentation required to be forwarded to the Secretary of State, Commercial Reporting Division, demonstrating that your interest in the practice had been terminated.

At this juncture, the Board has preliminarily concluded that probable cause exists to support a finding that you violated N.J.A.C. 13:45C-1.4 by failing to comply with an order duly entered and served upon you of which you had knowledge; and that in so doing, you engaged in professional misconduct pursuant to N.J.S.A. 45:1-21(e) and (h).

The above violations are sufficient to warrant the initiation of formal disciplinary proceedings against you, which under the terms of the aforesaid Consent Order could result in the activation of your stayed suspension and additional sanctions, in accord with paragraphs 1 and 9 thereof. Notwithstanding that decision, however, the Board has determined that it will first offer you an opportunity to settle this matter, and thereby avoid the initiation of formal disciplinary proceedings, should you consent to:

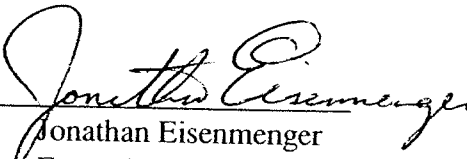
1. the issuance of a formal reprimand for the aforesaid failures to comply;
2. pay a penalty in the amount of \$10,000.00 (to be paid immediately upon your signing of the acknowledgment at the bottom of this letter by certified check or money order made payable to the State of New Jersey);
3. comply with all terms and conditions of the Board's Order dated June 8, 2006, which authorized your return with conditions to the active practice of chiropractic in New Jersey; and
4. pay costs incurred by the Board in the amount of \$14,727.26.

If you are willing to settle this matter on the offered settlement terms, you may do so by signing the acknowledgment at the bottom of this letter, and returning it to the Board office together with any required payment at the address set forth above. Upon your signature, this letter will be a matter of public record.

In the event you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's office for the initiation of appropriate enforcement action. In such event, you will be afforded an opportunity to defend against the alleged violations. If an evidentiary hearing is deemed warranted, the Board will either conduct that hearing at a date and time to be scheduled or refer the matter to the Office of Administrative Law. You are advised, however, that in the event formal charges are filed, the Board may assess civil penalties in an amount greater than those herein offered in settlement should any charges against you be sustained. Additionally, the Board may, if the facts are found to so warrant, enter an order requiring you to reimburse certain monies and/or requiring you to pay the additional costs incurred by the Board. Should you have any questions concerning this letter or the settlement offer herein, I suggest that you contact Deputy Attorney General John D. Hugelmeyer, who may be reached at (973) 693-5056.

If you elect to settle this matter now you should sign the acknowledgment at the bottom of this letter and return it to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement offer will be withdrawn, and the matter will be referred to the Attorney General's Office for the initiation of appropriate enforcement proceedings.

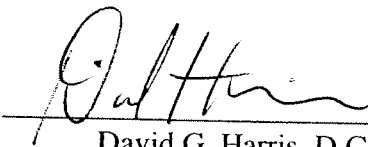
NEW JERSEY STATE BOARD
CHIROPRACTIC EXAMINERS

By: 
Jonathan Eisenmenger
Executive Director

cc: John D. Hugelmeyer, Deputy Attorney General
Jeffrey Randolph, Esq.

ACKNOWLEDGMENT: I, David G. Harris, D.C., hereby acknowledge that I have read and reviewed the settlement proposal set forth in the above letter. I acknowledge the conduct which has been charged. I am aware that, by signing this acknowledgment, I am waiving any rights I may have to defend myself against any charges of wrongdoing at an administrative hearing. I am also aware that the action taken against me by the Board herein is a matter of public record, and that this letter is a public document. I hereby agree to pay a penalty in the amount of \$10,000.00, plus costs in the amount of \$14,727.26, and to comply with all other requirements set forth in the settlement letter. The total amount of penalty and costs will be paid in thirteen (13) installments: a first payment in the amount of \$10,000.00, and 12 monthly payments of \$1,227.27.

Dated:



David G. Harris, D.C.